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March 14, 2025

Nwamaka Anowi
Clerk of the Court
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: *Nat'l Ass'n of Diversity Officers in Higher Education v. Trump*, No. 25-1189

Dear Ms. Anowi:

We write to inform the Court of developments in the district court litigation. Late yesterday, plaintiffs filed an emergency motion for a status conference regarding allegations of noncompliance with the district court's injunction. The allegations in the motion focus on alleged noncompliance by agencies that are not parties to this case (and, based on counsel's current understanding, a few mistaken allegations regarding parties, which the government will address at the hearing). *See* Dkt. No. 68, at 2-3 (allegations concerning the Department of State, the Department of Housing and Urban Development, and the Environmental Protection Agency). As we noted in the reply in support of our stay motion, the district court purported to enjoin *all* federal agencies—defendants and non-defendants alike—in a “clarification” order issued on March 10. Dkt. No. 67, at 3. The government has worked to inform all federal agencies of the district court's March 10 order and is investigating the current allegations of non-compliance.

The district court responded to plaintiffs' motion by scheduling a status conference for 3:00 p.m. this afternoon, March 14, over objection from the government that any status conference would be inappropriate before the government has time to investigate the allegations. Dkt. No. 69. It would be improper for the court to impose contempt sanctions on non-parties to the case, as we will advise the district court. *See Receiver for Rex Venture Grp., LLC v. Banca Commerciale Victoriabank SA*, 843 F. App'x 485, 492 (4th Cir. 2021) (explaining that “a nonparty . . . must be made party to the suit through proper service of process in order to be held in contempt for violating an injunction”). But the district court's efforts to superintend the actions of the entire Executive Branch underscore the urgency of the government's request for an immediate stay of the district court's injunction. The government respectfully requests a ruling on its stay motion as soon as possible.

Sincerely,
/s/ Catherine Padhi
Catherine Padhi

cc: All counsel by ECF

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2025, I electronically filed the foregoing letter with the Clerk of the Court by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system.

/s/ Catherine Padhi
Catherine Padhi